



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Public Hearing to Consider Reimbursement Agreement #RA-95-03 for Public Improvements for Century Meadows Three, Units 1, 2 and 3

MEETING DATE: June 7, 1995

PREPARED BY: Public Works Director

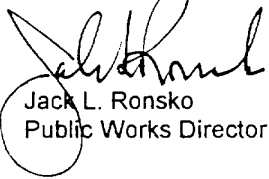
RECOMMENDED ACTION: That the City Council conduct a public hearing to consider Reimbursement Agreement #RA-95-03 for public improvements in Mills Avenue and at the intersection of Mills Avenue and Century Boulevard constructed with the Century Meadows Three, Units 1, 2 and 3 subdivisions.

BACKGROUND INFORMATION: The developer of the Century Meadows Three, Units 1, 2 and 3 subdivisions, Pacific Valley Housing Corporation, has requested a Reimbursement Agreement in conformance with Chapter 16.40 of the Lodi Municipal Code, for public improvements constructed in Mills Avenue and at the intersection of Mills Avenue and Century Boulevard in conjunction with their subdivisions. The improvements benefit adjacent properties on the west side of Mills Avenue. The adjacent property owner has been notified. The developer has paid the appropriate application fee and provided fees to cover the cost of recording the Agreement. A copy of the Agreement, including the vicinity map is attached.

The portion of Mills Avenue affected is located south of Century Boulevard and is bounded on the east by Century Meadows Three, Units 1, 2 and 3 and an undeveloped parcel (APN 058-230-002) on the west, as shown on attached Exhibit A. The improvements consist of water, sanitary sewer and storm drain lines, and street paving on the west half of Mills Avenue from Century Boulevard to the southerly boundary of Century Meadows Three, Unit No. 3.

The sanitary sewer system in Mills Avenue south of Century Boulevard is part of the Harney Lane Lift Station service area. In conformance with the Agreement dated November 19, 1992, executed by the City and various property owners south of Harney Lane, a 24-inch sanitary sewer main was installed in Mills Avenue in conjunction with the Century Meadows Three projects. We have been advised by the design engineer, Baumbach & Piazza, that the cost of oversizing the main was borne by the aforementioned property owners as specified in the Agreement. Payment for the oversizing was not handled through the City. The reimbursement requested for the sanitary sewer by the developers of the Century Meadows Three projects is the cost of an 8-inch main which would have been sufficient if properties south of Harney Lane had not been included in the Lift Station service area.

FUNDING: Applicant fees and reimbursement fees collected from future development.


Jack L. Ronsko
Public Works Director

Prepared by Sharon A. Welch, Associate Civil Engineer

Attachments

cc: Associate Civil Engineer - Development Services
Pacific Valley Housing Corporation
Baumbach & Piazza
Delmar and Doris Batch

APPROVED: 

THOMAS A. PETERSON
City Manager



recycled paper

WHEN RECORDED, RETURN TO:

City Clerk
City of Lodi
221 West Pine Street
Lodi, CA 95240

REIMBURSEMENT
for
PUBLIC IMPROVEMENTS
AGREEMENT # RA-95-03

THIS AGREEMENT is made by and between the CITY OF LODI, hereinafter referred to as "City", and Pacific Valley Housing Corporation, hereinafter referred to as "Applicant".

RECITALS:

WHEREAS, Applicant is the developer of Century Meadows Three, Units No. 1, 2 and 3 and has entered into Improvement Agreements with the City dated March 8, 1993, August 9, 1993 and April 11, 1994 for Units 1, 2 and 3, respectively, to construct public improvements needed to serve the developments, and

WHEREAS, the Applicant has constructed water mains, sanitary sewer mains, storm drains and street improvements in Mills Avenue and at the intersection of Mills Avenue and Century Boulevard that will serve additional properties that are designated and shown on the plan attached and labeled Exhibit A to this agreement and indicated thereon; and

WHEREAS, the Applicant has filed a request with the Public Works Director in conformance with Chapter 16.40 of the Lodi Municipal Code requesting reimbursement for those improvements which benefit other property or would be required of those properties upon development, and

WHEREAS, the property owners of those properties shown in Exhibit A have been notified and the City Council has conducted a public hearing regarding the Applicant's request for reimbursement.

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained and pursuant to Government Code Sections 66485 through 66489 and Title 16 of the Lodi Municipal Code, it is hereby agreed between the parties as follows:

1. The amount of the reimbursable costs due to the Applicant includes construction costs less any applicable credits plus ten percent (10%) for administrative and engineering design costs as shown in attached Exhibit B.
2. The reimbursable amount shall be recalculated annually to include an amount attributable to interest, using the Engineering News Record (ENR) 20 Cities Construction Cost Index. On uncollected reimbursements, the reimbursement rates shall be calculated in January of each year beginning January 1996 by the following formula:

$$(\text{ENR Jan. 1 of current year}) \div (\text{initial ENR}) \times (\text{Balance due Jan. 1 of prior year less payments made during the previous year})$$

The initial ENR index for this agreement is 5432.08. The initial reimbursable amounts are listed below.

Water Main Extension	\$ 9.18/front foot
Sanitary Sewer Main Extension	\$ 7.69/front foot
Storm Drain Extension	\$ 2.41/front foot
Street Improvements for Mills Avenue & intersection at Century Boulevard	\$ 20.97/front foot

3. In the event that the benefiting properties shown on Exhibit A develop, the City shall collect the appropriate charges from the developers of the benefiting property and reimburse the Applicant or the Applicant's heirs, successors or assigns, for a period of fifteen (15) years. Any charges collected beyond fifteen years shall be retained by the City.
4. The Applicant shall pay the City \$526.34 for the preparation of this agreement prior to approval and recording of this agreement. This fee is based on one percent (1%) of the reimbursable construction costs, excluding engineering, administrative and other costs and is included in the reimbursement amount.
5. Upon each collection of reimbursement charges, an administrative charge shall be deducted and retained by the City for administering the reimbursement provisions of this agreement. This charge shall be established from time to time by resolution of the City Council. As of the date of this agreement, the current charge is \$60.00.
6. This agreement shall inure to the benefit of the heirs, successors and assigns of the Applicant. The City shall mail the reimbursement to the last address of the Applicant on file with the Public Works Director of the City. In the event a reimbursement is returned or unclaimed after two (2) years from the date of mailing, the amount of the reimbursement shall revert to the City and be deposited in the appropriate development impact mitigation fee fund.
7. All correspondence and payments herein required shall be in writing, and delivered in person or sent by registered mail, postage prepaid.

Correspondence and payments to City shall be addressed as follows:

Jack L. Ronsko
Public Works Director
221 West Pine Street
P. O. Box 3006
Lodi, CA 95241-1910

Correspondence and payments to Applicant shall be addressed as follows:

Pacific Valley Housing Corp.

650 E. Blithedale Ave., Ste 0

Mill Valley, CA 94941

8. This agreement is entered into pursuant to the provisions of Title 16 of the Lodi Municipal Code and the provisions of that section shall be deemed a part of this agreement.

IN WITNESS WHEREOF, the Applicant and the City have caused their names to be hereunto affixed and the City of Lodi has caused its corporate name and seal to be hereunto affixed by its proper officers thereunto duly authorized.

APPLICANT(S)



Charles G. Oewel, President

5/8/95

Date

(CORPORATE SEAL)

CITY OF LODI, A MUNICIPAL CORPORATION

By: _____

Thomas A. Peterson, City Manager

Date

ATTEST:

Jennifer M. Perrin, City Clerk

Date

APPROVED AS TO FORM:

Bob McNatt, City Attorney

City of Lodi
Public Works Department

Cost Estimate for
Reimbursement Agreement

Development: Century Meadows Three, Units 1, 2 and 3
Developer: Pacific Valley Housing Corporation
Engineer: Baumbach & Piazza

Cost of Reimbursable Improvements for Mills Avenue

Item Description	Quantity	Unit	Price	Percent Reimbursable	Total
Street System					
1. Roadway Excavation	368	CY	\$1.50	100	\$552.00
2. Roadway Excavation	564	CY	2.50	100	1,410.00
3. Roadway Excavation	72	CY	2.70	100	194.40
4. Compact Original Ground (0.67')	3,630	SF	0.13	100	471.90
5. Compact Original Ground (0.50')	2,320	SF	0.13	100	301.60
6. Compact Original Ground (0.50')	9,880	SF	0.05	100	494.00
7. Compact Original Ground (0.50')	2,705	SF	0.15	100	405.75
8. Compact Native Material (0.50')	2,320	SF	0.20	100	464.00
9. Compact Native Material (0.50')	12,585	SF	0.15	100	1,887.75
10. Aggregate Base, Class II (0.50')	13,510	SF	0.40	100	5,404.00
11. Aggregate Base, Class II (0.50')	2,705	SF	0.60	100	1,623.00
12. Aggregate Base, Class II (0.30')	2,320	SF	0.25	100	580.00
13. Asphalt Concrete, Type B (0.20')	9,120	SF	0.40	100	3,648.00
14. Asphalt Concrete, Type B (0.20')	2,496	SF	0.55	100	1,372.80
15. Asphalt Concrete, Type B (0.25')	3,360	SF	0.55	100	1,848.00
16. Asphalt Concrete, Type B (0.30')	2,345	SF	0.55	100	1,289.75
17. Asphalt Concrete Overlay (0.10')	2,496	SF	0.28	100	698.88
18. Asphalt Concrete Overlay (0.05')	9,120	SF	0.13	100	1,185.60
Subtotal					\$23,831.43
10% Engineering & Administration					\$2,383.14
Plan Check & Inspection Fees ¹					\$1,208.03
Subtotal					\$27,422.60
Less City paid credits					\$0.00
Total Street System					\$27,422.60
Storm Drain System					
1. 24" Storm Drain Pipe (Cost of 24" minus 18" pipe) ²	178	LF	\$3.42	100	\$608.76
2. 15" Storm Drain Pipe (Cost of 15" minus 12" pipe) ²	127	LF	4.00	100	508.00
3. 12" Storm Drain Pipe (Future street stub)	15	LF	15.40	100	231.00
4. 12" Storm Drain Pipe (Future street stub)	24	LF	17.50	100	420.00
5. 12" Storm Drain Pipe (Future street stub)	51	LF	19.00	100	969.00
Subtotal					\$2,736.76
10% Engineering & Administration					\$273.68
Plan Check & Inspection Fees ¹					\$139.39
Subtotal					\$3,149.83
Less City paid credits					\$0.00
Total Storm Drain System					\$3,149.83

Sanitary Sewer System

1. 24" Sanitary Sewer Pipe (Based on 8" cost) ³	310	LF	\$15.02	50	\$2,328.10
2. 24" Sanitary Sewer Pipe (Based on 8" cost) ³	745	LF	11.50	50	4,283.75
3. 24" Sanitary Sewer Pipe (Based on 8" cost) ³	203	LF	12.25	50	1,243.38
4. Sanitary Sewer Manhole (Future street intersection)	1	EA	800.00	100	800.00
5. 8" Sanitary Sewer Pipe (Future street stub)	7	LF	12.25	100	85.75
Subtotal					\$8,740.98
10% Engineering & Administration					\$874.10
Plan Check & Inspection Fees ¹					\$441.39
Subtotal					\$10,056.47
Less City paid credits					\$0.00
Total Sanitary Sewer System					\$10,056.47

Water System

1. 10" Water Pipe	298	LF	\$15.68	50	\$2,320.64
2. 10" Water Pipe	761	LF	15.50	50	5,897.75
3. 10" Water Pipe	208	LF	18.60	50	1,934.40
4. 8" Water Pipe (Future street stub)	29	LF	13.60	100	394.40
5. 8" Valve (Future street stub)	1	EA	500.00	100	500.00
6. Fire Hydrant Assembly	1	EA	1,400.00	50	700.00
7. Temporary Blowoff (Future street stub)	1	EA	495.00	100	495.00
Subtotal					\$12,242.19
10% Engineering & Administration					\$1,224.22
Plan Check & Inspection Fees ¹					\$534.32
Subtotal					\$14,000.73
Less City paid credits					\$1,995.25
Total Water System					\$12,005.48
Subtotal Reimbursable Costs					\$52,634.38
City Fee for preparation of agreement (1% of system subtotals, \$500 minimum)					\$526.34
Total Reimbursable Cost					\$53,160.72

	Cost (incl. prorated City fee)	Quantity	Fee
Reimbursement for Street System per Front Foot:	\$27,696.83 / 1,321		\$20.97 per Front Foot
Reimbursement for Storm Drain System per Front Foot:	\$3,181.33 / 1,321		\$2.41 per Front Foot
Reimbursement for Sanitary Sewer System per Front Foot:	\$10,157.03 / 1,321		\$7.69 per Front Foot
Reimbursement for Water System per Front Foot:	\$12,125.53 / 1,321		\$9.18 per Front Foot
Check Total	\$53,160.72		

Notes:

1. The total plan check and inspection fees for the reimbursable items is based on the percentage of the total cost of the reimbursable items compared to the total construction costs for public improvements. The plan check and inspection fees were apportioned to each category based on the cost of the reimbursable items for each category compared to the total reimbursable costs.
2. The reimbursable cost is based on the cost difference between the size storm drain pipe installed and the size storm drain pipe which would have been required to serve only the Century Meadows Three subdivision.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5907

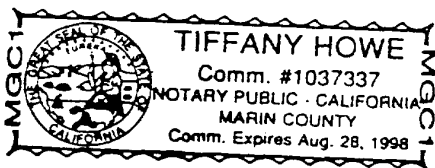
State of California

County of Marin

On May 9 1995 before me, Tiffany Howe
DATE NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

personally appeared Charles G. Dewei
NAME(S) OF SIGNER(S)

☒ personally known to me - OR - ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Tiffany Howe
SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- ☐ INDIVIDUAL
☐ CORPORATE OFFICER

TITLE(S)

- ☐ PARTNER(S) ☐ LIMITED
☐ GENERAL

- ☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

SIGNER IS REPRESENTING:
NAME OF PERSON(S) OR ENTITY(IES)

DESCRIPTION OF ATTACHED DOCUMENT

TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

DATE OF DOCUMENT

SIGNER(S) OTHER THAN NAMED ABOVE



27

CITY OF LODI
221 WEST PINE STREET
LODI, CALIFORNIA 95240

ADVERTISING INSTRUCTIONS

SUBJECT: PUBLIC HEARING TO CONSIDER REIMBURSEMENT AGREEMENT
#RA-95-03 FOR PUBLIC IMPROVEMENTS FOR CENTURY MEADOWS
THREE, UNITS 1, 2 AND 3 -- PUBLIC HEARING JUNE 7, 1995

PUBLISH DATE: SATURDAY, MAY 6, 1995

TEAR SHEETS WANTED: ONE

AFFIDAVIT AND BILL TO: JACQUELINE L. TAYLOR
ACTING CITY CLERK

DATED: MAY 4, 1995

ORDERED BY:

LINDA S. NICHOLS
DEPUTY CITY CLERK



CITY OF LODI

Carnegie Forum
305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: June 7, 1995

Time: 7:00 p.m.

For information regarding this notice please contact:

Jennifer M. Perrin

City Clerk

Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

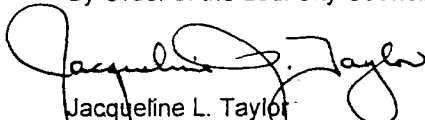
NOTICE IS HEREBY GIVEN that on **Wednesday, June 7, 1995** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a Public Hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

- a) consider Reimbursement Agreement #RA-95-03 for Public Improvements for Century Meadows Three, Units 1, 2 and 3

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the Public Hearing.

By Order of the Lodi City Council:


Jacqueline L. Taylor
Acting City Clerk

Dated: May 4, 1995

Approved as to form:


Bobby W. McNatt
City Attorney

JACKIE:

5/2/95

LIST OF CONTACTS FOR CENTURY MEADOWS III REIMBURSEMENT REQUESTED BY
SHARON WELCH FOR YOUR USE:

PACIFIC VALLEY HOUSING:
650 EAST BLITHEDALE, STE #20
MILL VALLEY, CA 94941

BAUMBACH & PIAZZA
ATTN: STEVE E. PECHIN
321 WEST ELM STREET
LODI, CA 95240

MR. & MRS. DELMAR (DORIS) BATCH
1817 WEST HARNEY LANE
LODI, CA 95242

Janice #661



DECLARATION OF MAILING

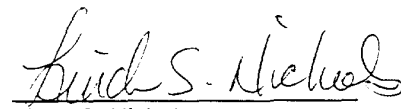
On May 4, 1995 in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 4, 1995, at Lodi, California.

Jacqueline L. Taylor
Acting City Clerk


Linda S. Nichols
Deputy City Clerk

CITY COUNCIL

STEPHEN J. MANN, Mayor
DAVID P. WARNER
Mayor Pro Tempore
RAY G. DAVENPORT
PHILLIP A. PENNINO
JACK A. SIEGLOCK

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6706
FAX (209) 333-6842

THOMAS A. PETERSON
City Manager
JENNIFER M. PERRIN
City Clerk
BOB McNATT
City Attorney

May 26, 1995

Mailing list attached

SUBJECT: Public Hearing to Consider Reimbursement Agreement #RA-95-03 for
Public Improvements for Century Meadows Three, Units 1, 2 and 3

Enclosed is a copy of background information on an item on the City Council agenda of Wednesday, June 7, 1995, at 7 p.m. The meeting will be held in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

The Council will conduct a public hearing on this item. You are welcome to attend and speak at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to the City Clerk at 305 West Pine Street.

If you wish to address the Council at the Council meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Jennifer Perrin, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call Sharon Welch, Associate Civil Engineer, at (209) 333-6706.


Jack L. Ronsko
Public Works Director

JLR/lm

Enclosure

cc: City Clerk ✓

CITY OF LODI

CITY HALL, 221 W. PINE ST.
P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

MR & MRS DELMAR D BATCH
1767 E HARNEY LN
LODI CA 95240

P. O. BOX 3006
LODI, CALIFORNIA 95241-1910

PACIFIC VALLEY HOUSING CORP
650 E BLITHEDALE AVE STE O
MILL VALLEY CA 94941

BAUMBACH - PIAZZA
CIVIL ENGINEERS
323 W ELM ST
LODI CA 95240